

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

NATALIE K. BRIGGS,)
)
)
Plaintiff,) Case No. 14-cv-00946-FJG
)
)
v.)
)
MASS MUTUAL LIFE INSURANCE)
COMPANY; HIGHPOINTE FINANCIAL)
GROUP, LLC; JEREMY BAKER, AND HENRY)
GARCIA)
)
Defendants.)

ORDER

Pending before the Court are (1) Defendant HighPointe Financial Group, LLC's Motion to Dismiss (Doc. No. 12); and (2) Plaintiff's Motion for Leave to Add Party Plaintiff and to File First Amended Complaint (Doc. No. 21).

Plaintiff, in response to one of the arguments made in the motion to dismiss, seeks to add the Estate of Karen Jean Boydston-Berry as a party plaintiff. The only opposition to plaintiff's motion for leave to file first amended complaint is contained in a footnote to Defendant HighPointe's reply suggestions to its motion to dismiss (Doc. No. 23, n. 3), requesting that the Court rule on its motion to dismiss before addressing whether plaintiff be allowed to file an amended complaint. Defendant HighPointe also indicates that it reserves the right to move to dismiss any claims that plaintiff Briggs seeks to assert in an amended pleading.

Given that none of the defendants filed suggestions in opposition to the motion for leave to amend, the Court believes the better course of action would be to allow the amendment. Rule 15(a)(2) provides that the "court should freely give leave [to amend] when justice so requires."

Therefore, plaintiff's motion for leave to add party and file first amended complaint (Doc. No. 21) is **GRANTED**. Plaintiff shall file her first amended complaint on ECF on or before **MARCH 10, 2015**. Defendant HighPointe Financial Group, LLC's Motion to Dismiss (Doc. No. 12) is **DENIED AS MOOT**.

IT IS SO ORDERED.

/S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr.
United States District Judge

Dated: March 4, 2015
Kansas City, Missouri